

Office Action Summary	Application No.	Applicant(s)
	10/539,277	HANSEN ET AL.
	Examiner	Art Unit
	BUNJOB JAROENCHONWANIT	2466

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 December 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 4-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 4-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>5/5/11</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/8/10 has been entered.

Response to Arguments

2. Applicant's arguments filed 12/8/10 have been fully considered but they are not persuasive. In the remark applicant argues in substance that:

3. The prior art does not suggest a method to provide access Aspect Object from a standard web browser (page 9last paragraph). The Office disagrees, ABB teaches HTML and WWW as integrated features of the Aspect Object (Sec. 4.3.1.3, 4.3.2.3, 4.3.5.3, 5.3 and 5.3.1). With respect to Topp does not suggest browser different function as discussed in specification page 11, line 8-10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see specification page 11, lines 8-10) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Rejections

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 11, the phrase "should query" renders the claim indefinite because it is unclear whether the query is required. See MPEP § 2173.05(d).

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 4-8, 10-13, 15 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Web Based Service for Embedded Devices", hereafter "Topp" and WO 01/02953, hereafter "Andersson" in view of "Integrate IT Aspect Integrator Platform™ Version 2.0: Integration Guideline," hereafter "ABB" further in view of "RFC 2068: Hypertext Transfer Protocol -- HTTP/1.1", hereafter "Fielding."

9. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Topp-Andersson-ABB-Fielding as applied to claim 8 above, and further in view of US 7,010,294, hereafter "Pyotsia."

10. Topp, Andersson, ABB, Fielding and Pyotsia were cited as prior arts for claims' rejection. In stead of reiteration, the previous rejections and citations applicable are hereby incorporated by reference.

11. As to amended languages direct to Aspect Object communicates context information about WWW by the Aspect Object. Since ABB teaches the Aspect Object can be integrated and access via WWW, obviously it does transmit, among other things, the context information.

All other amended languages do not change scope of the claims from the limitations that have readily been addressed.

12. As to claim 16, Topp-Andersson-ABB-Fielding discloses the invention substantially, as discussed in claim 1, including the Aspect Object integrates with WWW (ABB, section 5.3-5.3.1), which required a reference to access the Object through the Internet network, thereby reference s are inherent.

13. As to claim 17, Topp-Andersson-ABB-Fielding discloses the invention substantially, as discussed in claim 16 including at least a control function (Topp fig. 1).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571) 270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 8:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BUNJOB JAROENCHONWANIT/
Primary Examiner
Art Unit 2466

/bj/
5/10/2011